IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1109 OF 2003

The State of Maharashtra Appellant

vs.

Kisan Dhondu Shelke Respondent

Smt. V.R. Bhonsale, APP for the appellant.

CORAM : R. M. LODHA &
R. S. MOHITE,JJ.

DATED : 11th January 2005

P.C.

Heard Mrs.V.R.Bhonsale, the learned APP and perused the judgment of the IInd Ad Hoc Additional Sessions Judge, Kalyan.

2. We find that the learned Additional Sessions Judge has considered the evidence on record at quite some length. The learned APP could not demonstrate any infirmity in appreciation of the evidence by the learned trial Judge. PW 4 Narsu who is eye witness and also injured in the incident admitted in his cross examination that no injury was inflicted on his person by the present respondent (A2). The deposition of PW 2 Babby Bai does not get support from the evidence of PW 4 Narsu. Her evidence suffers from omission on material aspects. The observation of the learned trial Judge

that her evidence is not reliable does not suffer from any infirmity. All in all, the charge section 307 IPC read with Section 34 having not been proved, the acquittal of the accused-respondent by the learned trial Court cannot be faulted.

3. Criminal appeal is dismissed.

(R.M. LODHA,J.)

(R.S. MOHITE,J.)